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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 09/966,953
Filing Date September 27, 2001
Inventorship Kevin Collins
Applicant..... Hewlett-Packard Company
Group Art Unit..... 2114
Examiner Le, Dieu Minh T
Confirmation No. 4853
Attorney's Docket No. 10006728-1
Title: Storage Device Performance Monitor

DECLARATION UNDER 37 C.F.R. §1.131

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Kevin Collins, declare:

1. This affidavit is being made in support of the allowability of claims 1-9, 11-19, 21-26, and 28-29 in the above-identified patent application (hereinafter referred to as "the invention").
2. I am a co-inventor, with Michael Fleischmann, of the subject matter described and claimed in the patent application identified above, and a co-inventor of each claim that this affidavit is being made in support of.
3. Each of the acts described herein was undertaken in the United States.
4. Each of the exhibits was maintained as a business record by Hewlett-Packard Company in the normal course of business.
5. Each of the dates redacted from the exhibits is prior to June 1, 2001.
6. The identity of another Hewlett-Packard Company employee for whom it was determined did not make an inventive contribution to the invention is also redacted in Exhibit A.

7. Prior to June 1, 2001, I conceived of the invention. See Exhibit A, which is an invention disclosure record I prepared to describe the invention.
8. Prior to June 1, 2001, I attended an invention disclosure meeting to describe the invention to outside patent counsel, Mark Trenner (hereinafter referred to as "outside patent counsel"), as documented in Exhibit B. Exhibit B is an attorney invoice submitted to Hewlett-Packard Company by outside patent counsel documenting time spent preparing this patent application. The initials MDT in the attorney invoice identify Mark Trenner.
9. Prior to June 1, 2001, I reviewed potential prior art references related to the invention as provided to me by outside patent counsel, as documented in the attorney invoice (Exhibit B).
10. Prior to June 1, 2001, I further described features of the invention to outside patent counsel for preparation of the patent application, as documented in the attorney invoice (Exhibit B).
11. Prior to June 1, 2001, I received a first draft of the patent application as prepared by outside patent counsel. On or about that time I reviewed the first draft of the patent application and returned my comments to outside patent counsel, as documented in the attorney invoice (Exhibit B).
12. On June 4, 2001, I received a second draft of the patent application as prepared by outside patent counsel, as documented in the attorney invoice (Exhibit B). On or about that time I reviewed the second draft of the patent application.
13. On June 11, 2001, I attended a telephone conference with outside patent counsel to discuss my comments regarding the second draft of the patent application, as documented in the attorney invoice (Exhibit B).
14. On September 7, 2001, I received an email communication from outside patent counsel concerning potential prior art references related to the invention. I reviewed these references and returned my comments to outside patent counsel for preparation of the patent application, as documented in Exhibit C. Exhibit C is another attorney invoice submitted to Hewlett-Packard Company by outside patent counsel documenting time spent preparing this patent application. Again, the initials MDT identify Mark Trenner.
15. In September 2001, I received a final draft of the patent application. On or about that time I reviewed the final draft of the patent application. I signed the Declaration on September 26, 2001 indicating my approval of the final draft. See Exhibit D, which is a copy of the executed Declaration for this patent application.

16. The patent application was filed by Hewlett-Packard Company on September 27, 2001, as evidenced by the US Patent Office filing date accorded this patent application.

17. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Kevin Collins

Dated this 21 day of March, 2005.